



## TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

### MEETING INFORMATION

Date Submitted: October 27, 2014

Date of Meeting: November 6, 2014

Submitted by: Finance Director Paul T. Micali

Department:

Time Required: 20 minutes

Speakers:

Background Info.

Supplied:

Yes: ☒ No: ☐

### CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:

☐

Recognition/Resignation/

☐

Retirement:

**Public Hearing:**

☐

Old Business:

☒

New Business:

☐

Consent Agenda:

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Nonpublic:

☐

Other:

☐

### TITLE OF ITEM

5 John Lane Tree Removal Request - Follow Up from the 9/25/14 Town Council Meeting

### DESCRIPTION OF ITEM

The Town Council to be presented with the findings and recommendation received from the Town's forestry consultant resulting from a site walk-through of Town owned parcel 4C/255 with response to the tree removal request previously discussed during the September 25, 2014 Town Council meeting.

### REFERENCE (IF KNOWN)

RSA:

Warrant Article:

Charter Article:

Town Meeting:

Other:

N/A

### EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:

☐

Grant Requirements:

☐

Easel:

☐

Joint Meeting:

☐

Special Seating:

☐

Other:

☐

Laptop:

☐

None:

☐

### CONTACT INFORMATION

Name:

Paul T. Micali

Address

6 Baboosic Lake Road

Phone Number

424-7075

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pmicali@merrimacknh.gov

### APPROVAL

Town Manager:

Yes ☐

No: ☐

Chair/Vice Chair:

Yes ☒

No: ☐

# Memo



TO: Town Council  
ATTN: Town Manager Eileen Cabanel  
FROM: Finance Director Paul T. Micali  
DATE: October 30, 2014

**RE: Tree Removal 5 John Lane and Town property parcel 4C/255**

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At the September 25, 2014 Council meeting, the Town Council heard from the owner of 5 John Lane asking the Council to remove trees on Town property (see attached minutes). A question arose on why the Town retained this parcel. The notes show that this was retained for potential recreation usage.

In addition the Town Council asked to have the Town's Forestry Consultant review the potential for a harvesting project. On October 22<sup>nd</sup> I met with Mike Powers of Bay State Forestry to talk about a potential harvesting project on the Town owned parcel. While Mr. Powers and I walked the property we saw the trees in which the home owner marked to be removed as part of his request. While there, the home owner came out and informed us he had a survey completed for his property. The surveying stakes were in the ground and showed that all the trees the home owner wanted removed are on Town's property. I counted 50 trees. I have included Mr. Powers email for your review.

**From:** Mike Powers [mailto:mpowers32@comcast.net]  
**Sent:** Monday, October 27, 2014 8:47 AM  
**To:** Paul Micali  
**Subject:** Harvesting Project

Hi Paul,

Just wanted to get back to you about the harvest site that we looked at last week. Although the area is small, the pine that is growing there is very good quality and there is a decent amount of volume for such a small area. We could potentially set up a small commercial sale for next spring. Net revenue to the Town would not be very high because it is such a small operation. I would estimate that the revenue that the Town would receive would be approximately between \$1000.00-\$3000.00.

Let me know if you have any questions and how you would like to proceed.

Mike

## **Consent Agenda**

### **1. Changes to Chapter A198, Administrative Code**

*Submitted by Town Manager Eileen Cabanel*

The Town Council to consider the changes to Chapter A198, Administrative Code of the Merrimack Town Code to incorporate Assistant Town Manager title and duties added to the Finance Director position, pursuant to Charter Article V.

**MOTION made by Councilor Boyd and seconded by Councilor Mahon to move the Consent Agenda. MOTION CARRIED 6-1-0**

*Councilor Rothhaus voted in opposition*

## **Old Business - None**

## **New Business**

### **1. Permission to Remove Trees**

*Submitted by Don Turner*

Town Council to consider a request to remove trees from the southwest boundary of 5 John Lane and Town property parcel 4C/255 in preparation for solar panels.

Mr. Don Turner stated he purchased his home this past August, and quickly realized he would not be able to utilize solar panels due to the number of tall Pine trees located across the back of the property, which overshadow the residence and block the back of the home as well as the roof from sunlight. In total, the proposal is for the removal of approximately 35 trees. Although some are located on his property, approximately 15-20 are likely located on Town property. He is in the process of having his lot surveyed to determine the location of the lot line. He requested approval from the Council to remove the trees, at his expense, noting no intent to disturb the underbrush.

Councilor Dwyer referred to materials provided the Council in advance of the meeting, and commented he had believed the rock wall depicted on the diagram to be the lot line. Mr. Turner stated that is not completely accurate. Surveyors were at the property the previous day and are in the process of providing a correct plot plan. When asked if the rock wall is located on his property, he stated his belief it is, and that his property line extends perhaps 5-8' beyond the rock wall.

Councilor Dwyer commented on the need to be specific with the logging company with regard to clean-up to ensure that occurs. Mr. Turner responded, if necessary, he would obtain a chipper and clean the area. He added he would likely place a few plants in the area where the logging company would enter the parcel.

Councilor Boyd questioned whether it is understood to be Town property and not conservation property. Director Micali stated it to be Town property. Councilor Rothhaus questioned the purpose for Town ownership noting prior efforts to relinquish properties. Vice Chairman Mahon stated it would be necessary to review prior meeting minutes (6-7 years prior) to identify the reasoning for retaining this particular parcel. Chairman Harrington commented the parcel is 6.67 acres. As the majority of properties that were retained were landlocked, etc., she is of the belief there must have been a specific reason for retaining a parcel of this size. Mr. Turner commented although the map



provided indicates 6.67 acres, he believes it to be 16.67 acres. He remarked, if a decision were made to sell the parcel, he would be interested.

Vice Chairman Mahon stated the desire for an agreement to be drawn up between Mr. Turner and the Town identifying expectations and responsibilities of both parties.

Councilor Koenig commented it is virtually impossible to remove trees without disturbing the underbrush. He questioned how the trees would be disposed of. Mr. Turner stated the logger would arrange for the removal of the trees. Branches and debris left behind would be chipped by him. He would ensure the area is cleaned. He stated his desire for re-growth. He added he will be putting a garage up on the property, which will require transplanting of some trees, and suggested the area logged would be a good location for that.

When asked about access, Mr. Turner stated it would be from the right side of the property where a small trail is located between his property line and Town land. Councilor Koenig questioned whether the size of the trail would be impacted. Mr. Turner stated his belief the trail would likely be opened up slightly, which is why he would be looking to place plantings in the area out by the road.

Councilor Dwyer informed the Council Director Micali reviewed the parcel and has clarified it is 6.67 acres in size. Councilor Koenig requested additional justification of why the Town should be in favor of such an undertaking, noting the Council has historically been hesitant to approve individual requests for tree cutting. Mr. Turner stated his sole purpose for the project is to accommodate the placement of solar panels. He noted the additional benefits of eliminating issues related to mildew, sap, etc.

Councilor Woods remarked he visited the area and was surprised by the number of trees proposed for removal. He shares concerns expressed regarding precedent the Council could be setting with approval, e.g., others may wish to remove trees to provide direct sunlight to swimming pools, etc.

Councilor Rothhaus reiterated the desire to understand the purpose for which the Town retained ownership of the property. Having visited the property, he believes it may be that logging of that property might be in order, and would result in revenue to the Town. Vice Chairman Mahon stated the Town does not allow a private citizen to conduct work on Town property. If it is believed the property contains what could be a valuable asset, perhaps the best approach would be to request the Forester retained by the Conservation Commission view the property and report back to the Council. Councilor Dwyer stated agreement.

**MOTION made by Councilor Mahon and seconded by Councilor Dwyer to identify the status of the property, arrange for an evaluation to be conducted, retain the services of a Forester to assess the timber and make a recommendation as to how to proceed with regard to a forestry project, and that the findings be reported to the Council no later than its November 6, 2014 meeting**

#### **ON THE QUESTION**

Chairman Harrington stated agreement with the concern expressed regarding the setting of precedent. If the result of the investigation is that such a project would be in the best interest of the Town that would provide justification.

**MOTION CARRIED 7-0-0**